

## **REMARKS**

In the Office Action mailed from the United States Patent and Trademark Office on July 13, 2006, the Examiner indicated that claims 1 and 4-27 are pending in the application; claims 1, 4-5 and 25-27 were rejected under 35 U.S.C. 112, second paragraph; and claims 1, 4-5 and 25-27 were rejected under 35 U.S.C. 103 (a) over U.S. Patent No. 4,666,606 (“Heinicke”). Accordingly, Applicant respectfully provides the following.

### **Rejections under 35 U.S.C. 112**

Applicant has amended claim 1 and 25 replacing “removing” with “isolating” to claim the use of an extract with isolated alcohol soluble ingredients instead of an extract devoid of alcohol soluble ingredients. Accordingly, Applicant respectfully requests that the Section 112 rejections be withdrawn.

### **Rejections under 35 U.S.C. 103 (a)**

Claims 1, 4-5 and 25-27 were rejected under 35 U.S.C. 103 (a) over U.S. Patent No. 4,666,606 (“Heinicke”). Applicant submits that he newly amended claims contain limitation not taught or fairly suggested in the prior art. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In particular the independent claim 1 recites a method comprising: obtaining crushed dry *Morinda citrifolia* leaves; isolating all liquids from said crushed dry leaves to obtain a leaf extract; wherein the step of removing comprises percolating said crushed dry leaves through alcohol and eliminating the alcohol and any alcohol-soluble ingredients from the percolated leaves; further fractionating the isolated alcohol-soluble ingredients into two individual fractions: a dry hexane fraction, and an aqueous methanol fraction; further fractionating the dry hexane fraction to obtain secondary hexane fractions; and combining each of said leaf extract with *Morinda citrifolia* fruit juice to obtain a leaf serum. Independent claim 25 contains similar limitations.

Heinicke discloses a method for eliminating grease and odors from sewage systems by increasing the metabolism of microorganisms by administering organic products including noni leaf extract. However, Heinicke fails to disclose the steps of isolating all liquids from said crushed dry leaves to obtain a leaf extract; wherein the step of removing comprises percolating said crushed dry leaves through alcohol and eliminating the alcohol and any alcohol-soluble ingredients from the percolated

leaves; further fractionating the isolated alcohol-soluble ingredients into two individual fractions: a dry hexane fraction, and an aqueous methanol fraction; further fractionating the dry hexane fraction to obtain secondary hexane fractions; and combining each of said leaf extract with *Morinda citrifolia* fruit juice to obtain a leaf serum.

Because Heinicke fails to teach or suggest the limitation of the presently amended claims, Applicant respectfully requests that the Section 103 rejection be withdrawn.

#### CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

Dated this 12 day of October, 2006.

Respectfully submitted,



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